



## MEMORANDUM

Agenda Item No. 6(C)

(Second Reading 10-19-04)

**TO:** Honorable Chairperson Barbara Carey- Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** June 22, 2004

**FROM:**

George M. Bargas  
County Manager

**SUBJECT:** Proposed Ordinance  
Amending Chapter 8,  
Article II, Related to  
Certification Code  
Enforcement Personnel

### RECOMMENDATION

It is recommended that the Board approve the proposed Ordinance amending Chapter 8, Article II related to certification of Code enforcement personnel. This Ordinance is necessary to amend the Code of Miami-Dade County regarding the certification of Building Officials, Plans Examiners and Inspectors previously contained in the now sunsetted South Florida Building Code.

### BACKGROUND

At the December 18, 2001 Commission Meeting, the Board adopted Ordinance 01-225 which created Chapter 8, Article II of the Code of Miami-Dade County. This Ordinance adopted, by reference in its entirety, the existing Section 201 of the South Florida Building Code, as amended. This action was taken due to the short time frame that existed for implementation of the Florida Building Code and to maintain current regulations while discussions continued on future revisions for certification requirements of building code enforcement personnel.

Subsequent changes in the Florida Statutes allowed for alternate plans review and inspection options to be available to the public. On March 22, 2002, the Florida Legislature enacted HB 1307 that created Sec. 553.791, Florida Statutes. Portions of this legislative action which became effective October 1, 2002, implemented the use of private providers for the performance of plan review and inspections associated with building permits. This program is available for use at the option of the owner. This further extended the discussions on the requirements for certification of code enforcement personnel. It shall be noted, that these private providers, in accordance with Sec. 553.791, Florida Statutes, are required to maintain comprehensive liability insurance, but are not required to be certified by standards more stringent than those prescribed by the requirements of the section. Oversight of the private providers is performed by building department personnel through a required audit program. All building department personnel must possess licensure and experience qualifications commensurate with those of this proposed ordinance. The proposed local requirements for Code enforcement personnel generally require licensure under Florida Statute 471, 481 or 489 as well as prescribed and verifiable experience under such licensure not mandated by Sec. 553.791, Florida Statutes.

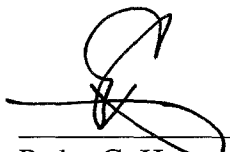
It shall also be noted that several of the recently incorporated municipalities have opted to contract with private personnel to perform plan review and inspections for building permits.

These private personnel perform their duties under the direction, supervision and overall responsibility of the Building Official and are required to possess the licensure and experience requirements equivalent to those in this proposed ordinance.

The South Florida Building Code is not being published due to the adoption of the Florida Building Code (FBC). Therefore, it is necessary to include in the Code of Miami-Dade County the articles that are referenced in the SFBC. This proposed ordinance, which contains all of the language in Section 201 of the SFBC with minor editorial changes, codifies and makes appropriate cross-references to other sections of Chapter 8. In addition, it includes correct cross-references in Chapter 8CC, Civil Penalties and includes Section 305.3 of the South Florida Building Code related to Special Building Inspectors.

#### **FISCAL IMPACT**

There is no fiscal impact to Miami-Dade County.

  
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Pedro G. Hernandez, P.E.  
Assistant County Manager




# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** October 19, 2004

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 6(C)

Veto \_\_\_\_\_

10-19-04

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING ARTICLE II TO REFLECT REFERENCES IN ORDINANCE 01-225; AMENDING REFERENCES IN CHAPTER 8CC TO CORRESPONDING REFERENCES IN THE BUILDING CODE; AMENDING TO INCLUDE SECTION 305.3 OF THE SOUTH FLORIDA BUILDING CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE OF MIAMI-DADE COUNTY, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Chapter 8 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

**Sec. 8-1. The Building Code.**

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## **ARTICLE II**

**Sec. 8-21. ~~[[Adoption by reference]]~~>>Enforcement personnel.<<**

~~[[Article II adopts and enacts in its entirety existing Section 201 of the South Florida Building Code, as amended, dealing with the powers, duties and certification of Building Officials and code enforcement personnel. References to the South Florida Building Code shall refer to the Building Code. Cross references in Chapter 8CC of this Code shall be amended to conform to the provisions of this section.]]~~

**>>Sec. 8-21.1 POWERS, DUTIES AND APPOINTMENT OF BUILDING OFFICIAL:**

(1) **APPOINTMENT:** The appointing authority shall appoint a Building Official, and such person shall have met the following minimum experience criteria and have been certified by the Board of Rules and Appeals, as specified in Subsection 8-21.5 herein, before serving in that capacity;

These individuals shall be qualified as one of the following;

(aa) A Registered Professional Engineer licensed in the State of Florida with not less than five years experience under that registration.

(bb) A Registered Architect licensed in the State of Florida with not less than five years experience under that registration.

(cc) A licensed General Contractor holding a current Certificate of Competency issued by the Florida Construction Industry Licensing Board with not less than five years experience under that license.

(dd) A licensed General Contractor holding a current Certificate of Competency issued by the Miami-Dade County Construction Trades Qualifying Board with not less than five years experience under that license.

(2) **POWERS AND DUTIES:**

(a) The Building Official is hereby authorized and directed to interpret and enforce all of the provisions of this Chapter subject to the powers vested in the Board of Rules and Appeals as set forth in Section 8-4 herein. The Building Official may delegate to certified chief inspectors such powers, duties and assignments as he/she may deem advisable to carry out the provisions of this Chapter.

(b) Provisions and requirements of Chapter 10 of this Code shall be enforced by the Building Official, subject to the powers vested in the Construction Trades Qualifying Board. Section 10-2.X shall apply to the Electrical, Plumbing and Mechanical trades and violations enforced by the Building Official shall be within the jurisdiction of the Board of Rules and Appeals. In the event of a violation, the Building Official may exercise his or her authority set forth in Section.8-21.1(d) of this Code and shall also give written notice to the offending contractor, specifying the violation and the right to a hearing before the Board of Rules and Appeals as set forth in Section 8-4. Upon a finding of fraud or a willful violation of the Building Code, the Board of Rules and Appeals may deny the issuance of building permits to a certified contractor for a period of up to six months. The decision of the Board of Rules and Appeals shall be final, subject to appellate review in the manner set forth under state and local law.

(c) **RIGHT OF ENTRY:** Upon presentation of proper credentials, the Building Official or his duly authorized representatives may enter, at any reasonable time, any building, structure or premise for the purpose of inspection or to prevent violation of this Chapter.

(d) **STOP WORK ORDERS:** Whenever any building work is being done contrary to the provisions of this Chapter or is being done in an unsafe or dangerous manner, the Building Official may order such work stopped, or may order the violation corrected within a reasonable period of time, by notice in writing served on the person or persons engaged in the doing or causing of work to be done, and such persons shall immediately stop such work until arrangements in compliance with the provisions of this Chapter satisfactory to the Building Official, have been made, at which time he/she may authorize the work to proceed.

(e) **CONCEALED WORK:** The Building Official may order portions of the structural frame of a building and/or structure to be exposed for inspection when, in his opinion, there are good reasons to believe that a building or portion thereof is in an unsafe or dangerous condition or that there is willful or negligent concealment of a violation of this Chapter.

(f) **OCCUPANCY:** Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Official shall order such use or occupancy discontinued and the building or portion thereof vacated. Such order shall be by notice in writing, served on the person or persons using, or causing to be used, such building or portions thereof. Within a reasonable period of time after receipt of such notice or order, such building or portion thereof shall be made to comply with the requirements of this Chapter; however, in the event of an emergency, Subsection 8-5(e) shall apply.

**Sec. 8-21.2 APPOINTMENT OF CHIEF BUILDING INSPECTOR, BUILDING PLANS EXAMINER, STRUCTURAL PLANS EXAMINER AND BUILDING INSPECTOR:**

(1) **APPOINTMENT OF A CHIEF BUILDING INSPECTOR, BUILDING PLANS EXAMINER, AND STRUCTURAL PLANS EXAMINER:** There shall be appointed by the appointing authority person or persons qualified as set forth herein to serve as Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner. The above positions may be occupied by one or more persons who comply with all requirements of this Chapter to occupy those positions.

(2) **POWERS AND DUTIES:** The Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner shall be subject to the powers vested in the Board of Rules and Appeals as set forth in Section 8-4 herein and the Building Official as set forth herein. The Chief Building Inspector may delegate to certified inspectors such powers, duties and assignments as he or she may deem advisable to carry out the provisions of this Chapter and the directives of the Building Official. It shall be the duty and responsibility of the Chief Building Inspector to coordinate the work of all subordinate inspectors. The Structural Plans Examiner shall be the only person qualified to perform structural review of plans.

**(3) CERTIFICATION OF CHIEF BUILDING INSPECTOR OR BUILDING PLANS EXAMINER:** To be eligible for appointment as a Chief Building Inspector or Building Plans Examiner, an individual shall be certified by the Board of Rules and Appeals and shall be one of the following:

(aa) A Florida Registered Professional Engineer having practiced within the area of jurisdiction of this Chapter for at least five years.

(bb) A Florida Registered Architect having practiced within the area of jurisdiction of this Chapter for at least 5 years.

(cc) A licensed General Contractor with five years experience, all of which shall have been within the jurisdiction of this Chapter.

(dd) A currently certified Building Official, Plans Examiner or Inspector having five years of experience in such position(s), three years of which shall have been within the jurisdiction of this Chapter.

(ee) A currently certified Building Inspector having an Associate of Science Degree in a course of education approved by the Board of Rules and Appeals and having five years experience as a licensed General Contractor, two years of which shall have been within the jurisdiction of this Chapter; or three years experience as a Building Official, Plans Examiner or Inspector, all of which shall have been within the jurisdiction of this Chapter.

This criterion shall apply only to individuals holding one of the following:

(1) A General Contractor's license issued by Florida Construction Industry Licensing Board, provided the license number is less than #7837 or,

(2) A General Contractor's license issued by Miami-Dade County Construction Trades Qualifying Board; or

(3) A General Contractor's license issued by Florida Construction Industry Licensing Board with license number #7837 or greater holding a Certification as roofing contractor or inspector issued by the Florida Construction Industry Licensing Board or Miami-Dade County Construction Trades Qualifying Board.

(4) Any General Contractor's license issued subsequent to a proctored examination graded by an independent testing agency approved by the Board of Rules and Appeals.

(4) **CERTIFICATION OF STRUCTURAL PLANS EXAMINER:** To be eligible for appointment as a Structural Plans Examiner, an individual shall be certified by the Board of Rules and Appeals and shall be a Florida licensed professional engineer who has obtained such license by examination under the structural discipline and who has practiced as a structural engineer within the jurisdiction of this Chapter for a period of 5 years.

(b) **BUILDING INSPECTOR: (STRUCTURAL)**

(1) A Building Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(2) Building Inspectors shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official.

(3) To be certified in the category of Building Inspector (Structural), individuals shall have at least one of the following:

(aa) Five years construction experience in a supervisory capacity and at least one of the following:

(1) A General Contractor's license and a current Certificate of Competency issued by the Florida Construction Industry Licensing Board; or

(2) A General Contractor's license issued and a current Certificate of Competency by Miami-Dade County Construction Trade Qualifying Board or

**EXCEPTION:** Individuals holding licenses as a Residential Contractor and/or Building Contractor, with a current Certificate of Competency issued by the Florida Construction Industry Licensing Board or Miami-Dade County Construction Trades Qualifying Board, may be certified as an entry level inspector with duties limited to the type and size of work for which they are certified to build. Inspectors employed under this exception shall be required to attend the first available formal educational course as approved by the Board of Rules and Appeals immediately following employment. In order to maintain eligibility for appointment, inspectors certified under this exception shall obtain a Certificate of Competency and General Contractor's license issued by Miami-Dade County, or a State Certified General Contractor's license, within 18 months of the date of original appointment.

(3) A General Contractor's license issued subsequent to a proctored examination, graded by an independent testing agency approved by the Board of Rules and Appeals.

(bb) Two years construction experience and possessing an Associate of Science Degree in Building Code Enforcement awarded for completion of an educational course



approved by the Board of Rules and Appeals and possessing a current certificate of competency as a general contractor, in the State of Florida.

(cc) A current license from the State of Florida as an Architect or Engineer and building construction experience.

**(c) BUILDING INSPECTOR (COMMERCIAL ROOFING)**

(1) A Building Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(2) Building Inspectors (Commercial Roofing) shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official in connection with the review and approval of roofing permit applications, enforcement and inspections of the roofing sections of the Building Code and other applicable Codes and Standards for all occupancies provided in the Code.

(3) To be certified in the category of Building Inspector (Commercial Roofing) candidates shall have at least one of the following:

(aa) Five years of experience in the roofing industry, two of which shall have been in a supervisory capacity and holding a current certificate as a Roofing Contractor issued by:

(1) The Miami-Dade County Construction Trades Qualifying Board; or

(2) Florida Construction Industry Licensing Board.

(bb) Five years experience in the roofing industry and certification as a Building Inspector in Miami-Dade County and holding a personal certificate from the Miami-Dade County Construction Trades Qualifying Board as a Roofing Inspector or Contractor.

(cc) Five years experience in the roofing industry and certification as a Building Inspector in Miami-Dade County and holding a personal certificate as a General Contractor issued by either:

(1) The Florida Construction Industry Licensing Board, provided the number of the license shall be less than #7837; or

(2) The Miami-Dade County Construction Trades Qualifying Board.

(dd) Five years experience in the roofing industry and holding a current license from the State of Florida as a registered Architect or Engineer.

(4) Any person holding a current certificate from the Board of Rules and Appeals as a Building Inspector who will perform roofing inspections shall hold a certificate and/or license as a Roofing Contractor or inspector and be certified as a Roofing Inspector by December 31, 1992. After that date such persons shall not be eligible for certification to perform roofing inspections in Miami-Dade County.

(d) **BUILDING INSPECTOR (RESIDENTIAL ROOFING)**

(1) A Building Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(2) Building Inspectors (Residential Roofing) shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official in connection with enforcement and inspections of the roofing sections of the Building Code and other applicable Codes and Standards for Group R3 Occupancies only.

(3) To be certified in the category of Building Inspector (Residential Roofing) candidates shall have at least one of the following:

(aa) A current certificate issued by:

(1) The Miami-Dade County Construction Trades Qualifying Board; or

(2) Florida Construction Industry Licensing Board.

(bb) A current certification as a Building Inspector in Miami-Dade County and holding a personal certificate from the Miami-Dade County Construction Trades Qualifying Board as a Roofing Inspector or Contractor.

(cc) A current certification as a Building Inspector in Miami-Dade County and holding a personal certificate as a General Contractor issued by either:

(1) The Florida Construction Industry Licensing Board, provided the number of the license shall be less than #7837; or

(2) The Miami-Dade County Construction Trades Qualifying Board.

(dd) A current license from the State of Florida as a registered Architect or Engineer with roofing experience in Miami-Dade County under the Building Code.

**Sec. 8-21.3 (a) APPOINTMENT, POWERS AND DUTIES OF CHIEF ELECTRICAL INSPECTOR, ELECTRICAL INSPECTOR, AND ELECTRICAL PLANS EXAMINER**

(1) The appointing authority shall appoint a Chief Electrical Inspector. To be eligible for appointment as a Chief Electrical Inspector, an individual shall be certified by the Board of Rules and Appeals and shall be one of the following:

(aa) A Master Electrician having held a certification issued by the Miami-Dade County Construction Trades Qualifying Board for a period of at least five years and having five years of field experience under that certification.

(bb) A State Certified Electrical Contractor having held a certification issued by the Florida Electrical Contractor's Licensing Board for a period of at least five years and having five years of field experience under that certification.

(cc) A Florida licensed professional engineer having obtained a license pursuant to examination in the electrical discipline and having had five years of field experience under that license.

The Chief Electrical Inspector shall have the responsibility and duty of enforcing the Electrical Code. The title, Chief Electrical Inspector, shall be construed to mean the chief or head of the division or department of electrical inspection. The Chief Electrical Inspector shall have the power to delegate powers and assignments, dealing with electrical inspections, to subordinate Electrical Inspectors and Plans Examiners working under his/her authority.

All Electrical Inspectors and Electrical Plan Examiners shall be certified by the Board of Rules and Appeals and shall be one of the following:

(2) **INSPECTORS:**

(a) Each Electrical Inspector shall have:

(aa) At least five years of field experience as a Certified Journeyman Electrician or Master Electrician issued by the Miami-Dade County Construction Trades Qualifying Board; or,

(bb) At least five years of field experience as a state Certified Electrical Contractor issued by the Electrical Contractors' Licensing Board.

(b) Each Electrical Sign Inspector shall have:

(aa) At least five years of field experience as a Certified Electrical Sign Journeyman or Sign Master, issued by the Miami-Dade County Construction Trades Qualifying Board; or,

(bb) At least five years of field experience as a state Certified Electrical Contractor or Sign Specialty Electrical Contractors license issued by the Electrical Contractor's Licensing Board in that category.

(cc) The Chief Electrical Inspector shall have the power to delegate powers and assignments, dealing with electrical sign inspections only, to subordinate Electrical Sign Inspectors working under his/her authority.

(c) Such Electrical Inspectors and Electrical Sign Inspectors, shall have the duties and powers delegated by the Chief Electrical Official except that the Chief Electrical Official or head of the division or department of electrical inspection shall not delegate authority to subordinates to interpret provisions of this Code.

**(3) APPOINTMENT OF ELECTRICAL PLANS EXAMINERS**

The appointing authority shall appoint and assign duties to the Electrical Plans Examiner and such person shall meet the same qualification and certification requirements as the Chief Electrical Inspector.

**(4) APPOINTMENT OF ELECTRICAL PLANS EXAMINERS (RESIDENTIAL)**

Electrical Plans Examiner (Residential) shall be appointed and assigned duties in relation to R3 Occupancy only. Each Electrical Plans Examiner (Residential) shall be qualified by:

(aa) At least five years of field experience as a Journeyman or Master Electrician Certified by the Miami-Dade County Construction Trades Qualifying Board and having worked as a Master Electrician for a minimum of one year within the areas of jurisdiction of this Chapter; or

(bb) Having been certified as an Electrical Contractor by the Electrical Contractors' Licensing Board with five years of field experience under that certification and having worked as an Electrical Contractor for a minimum of one year within the areas of jurisdiction of this Chapter.

**(5) POWERS AND DUTIES:**

(a) It shall be the duty of the Electrical Inspector and the Electrical Sign Inspector to inspect all wiring, apparatus and equipment, and installations for light, heat, power, and low voltage systems and to enforce all the laws, rules and regulations relating thereto in the area of jurisdiction and to enforce all the provisions of this Chapter.

(b) The Electrical Inspector and the Electrical Sign Inspector will issue an approval on the wiring installations, apparatus, equipment or light fixtures provided they comply with the rules and regulations of the Building Code. At the time of inspection, if defects, omission, or

violations exist on any other part of the wiring system, the issuance of an approval will be withheld until corrections have been made to the defective portion of the wiring system, and the same are made to comply with this Chapter.

(c) A 30-day temporary electric service connection may be approved for a facility by the Electrical Inspector if the wiring installation, apparatus, or equipment are found to be in a safe operating condition and provided an urgent necessity for electric current exists. Under these circumstances, an application for temporary service must be made in writing by the electrical contractor, firm, corporation, or owner requesting the temporary service connection to the public utility system or isolated generating plant.

(d) The Electrical Inspector/Electrical Sign Inspector are hereby empowered to inspect or reinspect any wiring, equipment or apparatus conducting or using electric current for light, heat, power and low voltage systems, and if conductors, equipment or apparatus are found to be unsafe to life or property, the inspector shall serve notice in writing to the owner and/or operator of the hazardous wiring or equipment, to correct the condition within a reasonable period of time.

(e) The Electrical Inspector/Electrical Sign Inspector are hereby given the power to disconnect extension cords, temporary wiring, branch circuits, sub-feed conductors, or the main service supplying electrical energy to any portion of an electrical wiring system on or in buildings, or on premises, if this wiring is in the opinion of the inspector considered to be hazardous to life or property. Any person, firm or corporation supplying current, must disconnect service from source of supply upon instructions from the Electrical Inspector/Electrical Sign Inspector where hazards are deemed to exist, after receiving written notice from the Electrical Inspector/Electrical Sign Inspector.

(f) The power and duties of the Electrical Inspector shall be subject to the powers vested in the Board of Rules and Appeals as set forth in Section 8-4 of this Code.

**Sec. 8-21.3 (b) APPOINTMENT, POWERS AND DUTIES OF CHIEF PLUMBING INSPECTOR, PLUMBING INSPECTOR AND PLUMBING PLANS EXAMINER**

(1) The appointing authority shall appoint a Chief Plumbing Inspector. To be eligible for appointment as a Chief Plumbing Inspector, an individual shall be certified by the Board of Rules and Appeals and shall be one of the following:

(a) A Master Plumber having held a certification issued by the Miami-Dade County Construction Trades Qualifying Board for a period of at least five years and having five years of field experience under that certification.

(b) A State Certified Plumber Contractor having held a certification by the Florida Construction Industry Licensing Board for a period of at least five years and having five years of field experience under that certification.

(c) A Florida licensed Professional Engineer having obtained a license pursuant to examination in the mechanical discipline and having had five years of field experience under that license.

Such person shall hereinafter be termed the Chief Plumbing Inspector. The Chief Plumbing Inspector shall have the power to delegate powers and assignments, dealing with plumbing inspections, to subordinate plumbing inspectors and plans examiners working under his/her authority.

All Plumbing Inspectors and Plumbing Plan Examiners shall be certified by the Board of Rules and Appeals and shall be one of the following:

(2) **INSPECTORS:**

Each such inspector shall have:

(a) At least five years of field experience as a Certified Journeyman Plumber or Master Plumber issued by the Miami-Dade County Construction Trades Qualifying Board; or,

(b) At least five years of field experience as a state Certified Plumbing Contractor issued by the Florida Construction Industry Licensing Board.

(3) **APPOINTMENT OF PLUMBING PLANS EXAMINER**

The appointing authority shall appoint and assign duties to the Plumbing Plans Examiner and such person shall meet the same qualifications and certification requirements as the Chief Plumbing Inspector.

(4) **APPOINTMENT OF PLUMBING PLANS EXAMINER (RESIDENTIAL)**

Plumbing Plans Examiner (Residential) shall be appointed and assigned duties in relation to R3 Occupancy only. Each Plumbing Plans Examiner (Residential) shall be qualified by:

(aa) At least five years of field experience as a Certified Journeyman or Master Plumber, certified by the Miami-Dade County Construction Trades Qualifying Board and having worked as a Master Plumber for a minimum of one year within the areas of jurisdiction of this Chapter; or

(bb) Having been certified as a plumbing contractor by the Florida Construction Industry Licensing Board with five years of field experience under that license, and having worked as a Plumbing Contractor for a minimum of one year within the areas of jurisdiction of this Chapter.

(5) **RIGHT OF ENTRY:** Upon presentation of proper credentials, the Chief Plumbing Inspector may enter, at any reasonable time, any building, structure or premises for the purpose

of inspection or to prevent violations of this Building Code. If entry is refused, the Chief Plumbing Inspector shall have recourse to every remedy provided by law to secure entry.

**(6) POWER AND DUTIES:** The Chief Plumbing Inspector is hereby authorized and directed to interpret and enforce all of the provisions of the Plumbing Sections within the Building Code, subject to the powers vested in the Board of Rules and Appeals as set forth in Section 8-4 of this Code.

**(a) STOP-WORK ORDERS:** Whenever any plumbing work is being done contrary to the provisions of the Plumbing Sections of the Building Code or is being improperly installed or may create a structural or health hazard or nuisance, the Plumbing inspector may order such work stopped or may order the violation corrected within a reasonable period of time, by notice in writing served on the person or persons engaged in the doing or causing of such work to be done; and such persons shall immediately stop such work until arrangements in compliance with the Plumbing Sections of the Building Code and satisfactory to the Chief Plumbing Inspector, have been made, at which time he/she may order the work to proceed. Where an emergency exists, the plumbing Inspector shall not be required to give a written notice prior to stopping the work.

**(b) CONCEALED WORK:** The Chief Plumbing Inspector may order portions of a building or structure to be exposed for inspection when, in his/her opinion, there is reason to believe that plumbing or drainage systems of fixtures, or parts thereof, concealed therein are in an unsafe, dangerous or unsanitary condition, or that there is willful or negligent concealment of a violation of the Plumbing Sections of the Building Code.

**(c) OCCUPANCY:** Whenever any building or portion thereof is being used or occupied contrary to the provisions of the Plumbing sections of the Building Code, the Chief Plumbing Inspector shall report such violation to the Building Official and the Building Official shall order such use or occupancy discontinued and the building or portion thereof vacated as set forth in Subsection 8-21.1(2)(f) of this Code.

**Sec. 8-21.3 (c) APPOINTMENT, POWERS AND DUTIES OF CHIEF MECHANICAL INSPECTOR, MECHANICAL INSPECTOR AND MECHANICAL PLANS EXAMINER**

**(1)** There shall be appointed by the appointing authority person or persons qualified as set forth herein to serve as Chief Mechanical Inspector and Mechanical Plans Examiner. These individuals shall be qualified as one of the following:

**(aa)** A Master General Mechanical Contractor having held a certification by the Miami-Dade County Construction Trades Qualifying Board for a period of at least five years and having five years of field experience under that certification.

**(bb)** A State Certified Mechanical Contractor having held a certification by the Florida Construction Industry Licensing Board for a period of at least five years and having five years of

field experience under that certification.

(cc) A Florida licensed Professional Engineer having obtained a license pursuant to examination in the mechanical discipline and having had five years of field experience under that license.

Such person shall hereinafter be termed the Chief Mechanical Inspector. The Chief Mechanical Inspector shall have the power to delegate powers and assignments, dealing with mechanical inspections, to subordinate Mechanical Inspectors and Plans Examiners working under his/her authority. All Mechanical Inspectors and Mechanical Plan Examiners shall be certified by the Board of Rules and Appeals and shall be one of the following:

(2) **INSPECTORS**

Each such inspector shall have:

(aa) At least five years of field experience as a Certified Journeyman General, Master Mechanical or Specialty Mechanical Contractor issued by the Miami-Dade County Construction Trades Qualifying Board; or

(bb) At least five years field experience as a state Certified Mechanical Contractor issued by the Florida Construction Industry Licensing Board with not less than five years of field experience working in the areas of jurisdiction of this Chapter.

(3) **APPOINTMENT OF MECHANICAL PLANS EXAMINER**

The appointing authority shall appoint and assign duties to the Mechanical Plans Examiner, and such person shall meet the same qualification and certification requirements as the Chief Mechanical Inspector.

(4) **APPOINTMENT OF MECHANICAL PLANS EXAMINER (RESIDENTIAL)**

Mechanical Plans Examiner (Residential) shall be appointed and assigned duties in relation to Group R3 Occupancy only. Each Mechanical Plans Examiner (Residential) shall be qualified by:

(aa) At least five years of field experience as a Journeyman General or Master General Mechanical certified by the Miami-Dade County Construction Trades Qualifying Board and having worked as a Master Mechanical for a minimum of one year within the areas of jurisdiction of this Chapter; or

(bb) Having been certified as a Mechanical Contractor by the Florida Construction Industry Licensing Board with five years of field experience under that Certification and having



worked as a Mechanical Contractor for a minimum of one year within the areas of jurisdiction of this Chapter.

(6) **POWERS AND DUTIES:** The Chief Mechanical Inspector is hereby authorized and directed to interpret and enforce all of the mechanical provisions of this Chapter, subject to the powers vested in the Board of Rules and Appeals as set forth in this Chapter.

Sec. 8-21.4 (Not used)

**Sec. 8-21.5 CERTIFICATION AND RECERTIFICATION:**

(a) **CERTIFICATION, DEFINED**

(1) The term "certification" shall mean compliance with the minimum qualification and experience for Building Officials, Chiefs, Inspectors, and Plans Examiners established by this Code, and approval by the Miami-Dade County Board of Rules and Appeals.

(2) Only such persons in the categories of Building Official, Chief, Inspector, and Plans Examiner as are examined and certified by the Board of Rules and Appeals may be employed by any inspection authority regulated by this Chapter.

**EXCEPTION:** Fire Inspectors possessing a State of Florida Fire Safety Inspector Certificate of Compliance as prescribed in F.S. Section 633.081(2) of the Florida Statutes and the rules and regulations of the Division of State Fire Marshal shall be eligible for certification by the Board of Rules and Appeals in the category of Plans Examiner, Fire.

(3) In the event that an inspection authority intends in good faith to employ an applicant for any of the categories regulated by this Chapter, it shall make application for certification. Applications for certification shall be made to the Building Code Compliance Office on forms approved by the Board of Rules and Appeals and shall provide all relevant and necessary information prior to appointment by an inspection authority. Within ten (10) days of receipt of a properly completed application, the Building Code Compliance Office shall, based on a preliminary review of the applicant's fulfillment of the qualifications contained in the law, as represented in the application, grant temporary certification or deny it, stating the reasons for denial. Pending review by the Board of Rules and Appeals, the inspection authority shall not employ any person for any position regulated by this Code without first obtaining temporary certification from the Building Code Compliance Office. The Building Code Compliance Office shall schedule the application for certification for consideration by the Board of Rules and Appeals at the earliest available meeting. The temporary certification shall only be effective through the date of final action by the Board of Rules and Appeals with respect to the application. The determination of the Building Code Compliance Office to grant or deny certification shall not be binding upon the Board of Rules and Appeals. The determination of the Board of Rules and Appeals to grant or deny certification shall be final, subject to appeal as provided in section 8-4 of this code.

(4) Certification shall be valid, for the calendar year and shall be renewed each January 1st in accordance with the procedure established in Subsection 8-21.11.

(5) Upon resignation, retirement, or termination of a certified individual, Building Officials, Chiefs, Inspectors, and Plans Examiners shall be placed on an inactive list until such time as they again apply for employment and will be recertified if approved, in accordance with Subsection 8-21.11 herein. The building official shall notify the Board of Rules and Appeals upon any termination of employment of an inspector within 30 days of such action.

(6) All applications for certification shall be accompanied by a written authorization from an inspection authority regulated by this Chapter.

(7) The Board of Rules and Appeals, after application and review, shall certify the applicant, deny certification, or limit certification to a particular category.

(8) Once issued, a certification may be revoked or suspended only in accordance with the procedures established herein.

(9) In the event that the Building Official is not available to perform his/her duties, the appointing authority shall appoint an Interim Building Official to perform the duties of Building Official. Such Interim Building Official must hold a current and valid certificate, issued by the Board of Rules and Appeals, as a Building Official, Chief, Plans Examiner or Inspector and meet the same minimum requirements for Building Officials. The appointing authority shall notify the Building Code Compliance Office, in writing of the starting date and period of time that such appointment will be in effect. The name of the Interim Building Official will be recorded with the Board of Rules and Appeals but no certification card will be issued.

(10) In addition to satisfying the other minimum requirements contained in this Code, individuals applying for certification must hold a valid certificate issued by the State of Florida Building Code Administrators and Inspectors Board in the category and discipline he/she is seeking certification.

(b) **RECERTIFICATION:** (See Section 8-21.11)

#### **Sec. 8-21.6 GROUNDS FOR DISCIPLINE: PENALTIES:**

The Board of Rules and Appeals may discipline an inspector, plans examiner or Building Official by issuing a reprimand to the individual or suspending, revoking or denying renewal of the individual's certification as an inspector after notice and reasonable opportunity to be heard, if it is found that:

(1) The certification was fraudulently obtained or erroneously issued.

(2) The Inspector, Plans Examiner or Building Official has violated any of the provisions of this Chapter or the rules adopted pursuant thereto.

**Sec. 8-21.7 PROCEDURES FOR IMPOSITION OF DISCIPLINE: REVIEW OF ADVERSE DECISION:**

(a) The Secretary of the Board of Rules and Appeals or his designee, for good cause, may, upon his own motion, or upon the complaint in writing of any person, investigate or cause to be investigated the complaints against any Inspector, Plans Examiner or Building Official and submit a written or oral report to the Board; however, no such investigation or report shall be required.

(b) The Board of Rules and Appeals shall decide whether the report or complaint establishes that probable cause exist to support a finding that a violation of this Chapter or the rules promulgated hereunder has been committed and if so, shall take one or more of the following actions:

(1) Instruct the Secretary of the Board of Rules and Appeals or his/her designee to send a letter of guidance by certified mail to the Inspector, Plans Examiner or Building Official at their last known address.

(2) Instruct the Secretary or his designee to send by certified mail a letter to the Inspector, Plans Examiner or Building Official at his/her last known address, as shown by Board's records, setting out the name of the complainant, the alleged offenses and the approximate date of the commission, and the section of this Chapter alleged to be violated, and notifying said person to appear before the Board of Rules and Appeals at a time and place fixed, not sooner than twenty (20) days from the mailing of the certified letter, to show cause why his/her certification should not be suspended or revoked, a letter of reprimand issued, or why his/her certificate should not be renewed, advising that he/she may be represented by an attorney, and that he/she should bring all original documents and other data that may be pertinent to the case and that he/she will be given an opportunity to present such witnesses and evidence as he/she deem appropriate.

(3) Refer the matter to the legal authority having jurisdiction for appropriate action.

(c) In order to make a determination of guilt, the Board of Rules and Appeals must find that the weight of substantial competent evidence indicates that the person charged has violated this Chapter as charged. Before imposing a penalty, the Board of Rules and Appeals may consider mitigating circumstances presented through testimony and evidence.

(d) The Board of Rules and Appeals shall make a finding of guilty or not guilty as to each charge, and shall impose one or more of the following penalties on each charge for which a finding of guilty is made:

(1) Suspension of the certificate, stating the duration.

(2) Revocation of the certificate, naming the effective date. After revocation, the certificate may only be renewed or reissued after a period of at least one year and upon a showing of rehabilitation of the former certificate holder.

(3) Official letter of reprimand to become a part of the Inspector's or Plans Examiner's or Building Official's permanent file.

(4) Imposition of any administrative fee for all costs incurred by the Board in investigating and resolving the complaint which gave rise to the disciplinary proceeding.

(e) Notice of guilty decisions shall be mailed to all municipalities within Miami-Dade County and to the certificate holder at his/her last known address.

**Sec. 8-21.8 BUILDING INSPECTORS AND BUILDING OFFICIALS MAINTAINING QUALIFICATIONS: REVOCATION UPON FAILURE TO MAINTAIN:**

Whenever an Inspector, Plans Examiner or Building Official fails to maintain any of the qualifications required for certification, such individual shall report such lack of qualifications to the Board of Rules and Appeals whereupon the Board may, after notice and hearing as provided in this Chapter, suspend or revoke the certificate.

**Sec. 8-21.9 PROCEDURE FOR CORRECTION OF ERRORS IN ISSUANCE OF CERTIFICATES:**

(a) Notwithstanding the provisions of the foregoing sections, when any certificate shall have been issued because of error of law or of fact, or because of administrative error, the Board of Rules and Appeals may revoke or correct such certificate upon notice and reasonable opportunity to be heard, but without formal charges or findings, and failure to return such certificate to the Board upon demand therefore shall be a violation of this Chapter.

(b) Further, and notwithstanding the provisions of the foregoing sections, the Board of Rules and Appeals may correct an error of law, or of fact, or an administrative error which resulted in the denial of the issuance of a proper certificate whether such error was the result of the action of the current Board or of a prior Board.

**Sec. 8-21.10 PROHIBITED ACTS AND OMISSIONS - INSPECTORS AND BUILDING OFFICIALS:**

It shall be unlawful for any Inspector, Plans Examiner or Building Official employed anywhere within Miami-Dade County to commit any one or more of the following acts or omissions:

(a) Misrepresent any material fact in an application or supporting papers to obtain a certificate as a Building Inspector or Building Official.

(b) Grant or deny inspection approval of work at a construction site without the work having been properly inspected or before obtaining a certification from the applicable design professional, where such certification is required by this Chapter.

(c) Falsify building inspection results in the official records maintained by the building permit issuing authority.

(d) Grant inspection approval of work at a construction site with knowledge of the fact that the work does not comply with the provisions of the Building Code.

(e) Commit any act as an inspector or Building Official which significantly impairs the legal rights of another, including failure to give final approval for issuance of a permit or certificate of occupancy without just cause.

(f) Fail to comply with any rule or regulation established by the Board of Rules and Appeals or by the building authority having jurisdiction.

**Sec. 8-21.11 RECERTIFICATION:**

(1) Applications for recertification, with pertinent data contained herein, must be submitted to the Board of Rules and Appeals by the inspection authority before December 15 of each calendar year in order to be considered for certification for the following year.

(2) All Building Officials, Chiefs, Inspectors and Plans Examiners presently certified by the Board of Rules and Appeals may be recertified when meeting the following criteria:

(aa) The individuals are currently certified by the Miami-Dade County Board of Rules and Appeals.

(bb) The individuals are employed by an inspection authority regulated by this Code.

(cc) The individuals have attended continuing education classes, or seminars in their respective fields for a minimum of 16 hours during the previous calendar year. Of the hours required a minimum of 12 hours shall be satisfied by attendance at courses and/or seminars provided by the Building Code Compliance Office, and a maximum of four hours may be satisfied by attendance at programs certified by the State of Florida Building Code Administrators and Inspectors Board, Contractors Industry Licensing Board, or the Electrical Contractors Licensing Board, Board of Professional Engineers and the Board of Registered Architects. In the event that any courses satisfy the educational requirements of more than one discipline regulated by this Code, the Building Code Compliance Office shall certify the course, in whole or in part, to satisfy the educational requirements applicable to each discipline.

(dd) Fire Inspectors shall meet the recertification and education requirements of Section 633.08112 of the Florida Statutes and the rules and regulations of the Division of State Fire Marshal.

(3) Certifications allowed to lapse will not be recertified until meeting the requirements of Subparagraph 8-21.11 herein.

(4) In addition to all the minimum requirements set by this Code, individuals applying for recertification must hold a valid certificate issued by the State of Florida Department of Business and Professional Regulation Board of Building Code Administrators and Inspectors, Board of Professional Engineers and the Board of Registered Architects in the category and discipline he/she is seeking recertification.

**Sec. 8-21.12 EXISTING CERTIFICATIONS:**

(a) Notwithstanding any other provision of this Code regarding the requirements for certification of Officials, Inspectors or Plans Examiners, in the event that the Board of Rules and Appeals has at any time prior to January 1, 1992 issued a certification to any person as Official, Inspector or Plans Examiner, the following provisions of the Code shall govern the certification and recertification of such persons before the Board of Rules and Appeals.

(b) Any and all certifications of the Board of Rules and Appeals shall be considered to be valid and fully effective in connection with the following persons:

(1) Any person who obtained the position he or she occupied on January 1, 1992 on or before May 24, 1983, and who at the time he or she obtained the employment met the qualification requirements of this Chapter.

(2) Any person who obtained the position he or she occupied on January 1, 1992 on or before May 24, 1983, and at the time he or she obtained the employment this Chapter did not specify any requirements for the position.

(c) Any and all certifications issued by the Board of Rules and Appeals prior to January 1, 1992, shall be considered to be valid and fully effective notwithstanding other requirements of this Code for qualifications of the applicant, provided that the person receiving such certification complies with one of the following conditions:

(1) On or before January 1, 1992, such person must have the specific license required by this Chapter to occupy the position for which such person has been certified by the Board of Rules and Appeals regardless of the amount of time that such license has been held; or

(2) In the event that this Chapter requires a master's license or other license from the Miami-Dade County Construction Trades Qualifying Board, such person must, on or before January 1, 1994, successfully complete the examination in connection with the license required for the position for which he or she has been certified by the Board of Rules and Appeals. Provided that the person has been certified by the Board of Rules and Appeals prior to January 1, 1992, the Construction Trades Qualifying Board shall administer the examination to that person, notwithstanding other requirements of license or certification under Chapter 10 of the

Code of Miami-Dade County. Successful completion of the examination shall entitle the person to continue to occupy the position that he or she has been certified to occupy by the Board of Rules and Appeals, but shall be of no other force or effect, and shall specifically not be construed as license or certification under Chapter 10 of the Code of Miami-Dade County unless such person complies with all requirements contained in Chapter 10 for license or certification; or

(3) On or before January 1, 1992, such person occupied the position for which he or she has been certified by the Board of Rules and Appeals and such person had been certified by the State of Florida Construction Industry Licensing Board as a contractor in the trade related to the position certified.

(d) The provisions of this Section shall not affect the continuing education requirements of the Code or the powers of the Board of Rules and Appeals to suspend or revoke a certification as set forth in other provisions of this Chapter.

**Sec. 8-22 Special Building Inspector:**

(1) Special Building Inspectors, retained by the owner, shall inspect and supervise:

- (a) The compaction of fill under slabs on grade.
- (b) The installation of structural piles.
- (c) The construction of reinforced masonry structures.
- (d) Welding and high-strength bolting.
- (e) The fabrication and installation of curtain wall systems on threshold buildings.
- (f) The fabrication and installation of structural glazed panels.

(2) Special Building Inspector: A Florida Registered Architect or Professional Engineer retained to provide professional services consisting of observation and inspection of construction for conformance with the permit documents and the Florida Building Code.

(3) When one or more of the following conditions exist the Building Official may elect to directly employ a Special Building Inspector for the inspection of the exterior cladding, firestopping, railings and safeguards, framing, roofing or any part of the building, except that inspections of plumbing, electrical or mechanical systems,

inspections of required features of handicap accessibility and final inspections shall not be performed by a Special Building Inspector:

- (a) The building is of unusual size or height, or
- (b) The method of design or construction is unusual or complex, or
- (c) The method or pace of the construction requires continuous inspection or
- (d) In the opinion of the Building Official, additional inspections are required in order to ensure compliance with the Florida Building Code.

(4) Prior to issuance of the permit and for cases governed by Section 8-22.(3) herein above, the Building Official shall require that each Special Building Inspector be certified by the Board of Rules and Appeals as a Special Building Inspector in compliance with Section 8-4 of this Chapter. Such Special Building Inspector shall be a Registered Architect or a Professional Engineer licensed in the State of Florida; qualified by training and experience to perform the inspections for which he or she will be retained. Any and all inspections required and authorized to be performed by a Special Building Inspector pursuant to this Section shall be performed by persons who shall have the knowledge, expertise, and if required the appropriate licensing board's certification related to the specialty or discipline involved in the inspection.

(5) The Building Official shall specify the scope and nature of the inspections to be performed, or shall require that the Architect or Engineer of Record submit an inspection plan for approval. The Special Building Inspector or his duly authorized representative shall make all inspections in accordance with the approved inspection plan.

(6) The Building Official shall be promptly informed of the results of all inspections in reports signed by the Special Building Inspector(s). Prior to the issuance of a Certificate of Occupancy, each Special Building Inspector shall submit to the Building Official a statement indicating the scope of his inspections and attesting that, to the best of his knowledge, belief and professional judgment, the work is in substantial compliance with the permit documents.

(7) Special Building Inspectors shall be responsible to the Building Official. The Building Official shall periodically visit the construction site to monitor, review, evaluate and approve the work of the Special Building Inspector(s). The Building Official is empowered to direct, as necessary, the work of the Special Building Inspector(s) and may, at any time, remove a Special Building Inspector for failure to perform his or her duties in accordance with the provisions of this section. In that event, the Building Official may also require or permit the owner, within such time as the Building Official may reasonably establish, to employ an alternate Special Building Inspector.



(8) The Building Official may conduct mandatory inspections as required herein through a Special Building Inspector subject to the limitations given in Paragraph 8-22.(3) herein.

(9) For any project constructed pursuant to an Aviation Department contract, the County Manager may authorize the Aviation Department to employ or engage the services of Special Building Inspectors for the inspection of any part of the project, including inspections of plumbing, electrical or mechanical systems, inspections of required features of handicap accessibility. All Special Building Inspectors shall comply with applicable certification requirements provided by State law. The Building Official shall conduct all final inspections.<<

**Section 2.** Chapter 8CC of the Code of Miami-Dade County is hereby amended to read as follows:

### **Chapter 8CC Code Enforcement**

\* \* \*

#### **Sec. 8CC-10. Schedule of civil penalties.**

\* \* \*

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
*	*	*
8-[[21(b)]]>>21.1(c)<<	Failure of property owner or permit holder to allow entry	500.00
8-[[21(e)]]>>21.1(d)<<	Failure to comply with lawful stop work order	500.00

**Section 3** If any section, subsection, sentence, clause or provision of this ordinance is held invalid the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance including any Sunset provision, shall become and be made part of the Code of Miami-Dade County. The sections of this ordinance may be

renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article" or other appropriate word.

**Section 5.** This ordinance shall become effective upon enactment, unless vetoed by the Mayor within ten (10) days after its adoption, and if vetoed shall become effective only upon an override by this Board.

**PASSED AND ADOPTED:**

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:

SRM

Stephanie R. Miller